

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI

THOMAS CARTER, Individually and on)	
Behalf of The Estate of Margaret Carter,)	
)	
Plaintiffs,)	
)	Case No.
vs.)	
)	JURY TRIAL DEMANDED
ZUKHRIDDIN KHAYRULLAEV,)	
MGI EXPRESS, LLC,)	
AMERICAN POWER TRANSPORTATION))	
And LANDSTAR RANGER, INC.,)	
)	
Defendants.)	

NOTICE OF REMOVAL TO DISTRICT COURT

Comes now Defendant, Landstar Ranger, Inc., by and through its attorneys, and requests the removal of the above captioned action from the Circuit Court of Phelps County, State of Missouri, to the United States District Court for the Eastern District of Missouri pursuant to the provisions of U.S.C. Sections 1332 and 1441(a). In support of his request, Defendant states as follows:

1. Plaintiff commenced this action in the Circuit Court of Phelps County, State of Missouri, on or about April 10, 2020 under the caption Thomas Carter, Individually and on behalf of the Estate of Margaret Carter, Zukhriddin Khayrullaev, MGI Express, LLC, American Power Transportation and Landstar Ranger, Inc., Cause No. 20PH-CV00521.

2. Defendant hereby requests the removal of said action to the United States District Court for the Eastern District of Missouri, based upon the existence of diversity of citizenship between Plaintiff and Defendants pursuant to the diversity jurisdiction of this court and 28 U.S.C. Section 1332(a)(1).

3. The United States District Court for the Eastern District of Missouri, is the Federal District Court embracing the County of Phelps, State of Missouri, where this action is currently pending.

4. This is a civil action over which this Court has original jurisdiction pursuant to 28 U.S.C. Section 1332(a)(1), and is one which may be removed to this Court pursuant to the provisions of 28 U.S.C. Section 1441(a), in that:

a. Plaintiff was a citizen and resident of the State of Missouri at the time of the occurrence described in Plaintiff's Petition, and continues to be and remains a resident of the State of Missouri up to and including the present time.

b. Defendant Zukhriddin Khayrullaev was at the time of the commencement of this action, and still is, a citizen of the State of Ohio and an individual residing in Mason, Ohio;

c. Defendant MGI Express, LLC was, at the time of the commencement of this action, and still is, a citizen of the State of Ohio, a corporation duly incorporated under the laws of the State of Ohio, and having its principal place of business in Dayton, Ohio, and not in Missouri.

d. Defendant American Power Transportation was, at the time of the commencement of this action, and still is, a citizen of the State of Ohio, a corporation duly incorporated under the laws of the State of Ohio, and having its principal place of business in Dayton, Ohio, and not in Missouri.

e. Defendant Landstar Ranger, Inc., was, at the time of the commencement of this action, and still is, a citizen of the State of Florida, a corporation duly incorporated under

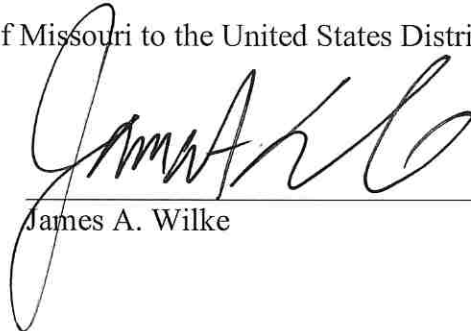
the laws of the State of Florida, and having its principal place of business in Plantation, Florida, and not in Missouri.

f. Plaintiff's Petition seeks recovery of an amount in excess of \$75,000, and therefore there is a reasonable probability that the matter in controversy herein exceeds the sum of \$75,000 exclusive of interest and costs.

5. This Petition is filed pursuant to the provisions of 28 U.S.C. Sections 1441(a) and 1446 within 30 days after the receipt by Defendant of the initial pleadings setting forth the claim for relief upon which this action is based.

6. There are attached to this notice and incorporated hereby by reference, true and accurate copies of all process, pleadings and orders to date in this action.

WHEREFORE, Defendant Landstar Ranger, Inc. requests that this case be removed from the Circuit Court of Phelps County, State of Missouri to the United States District Court for the Eastern District of Missouri.


James A. Wilke

STATE OF MISSOURI)
)SS
CITY OF ST. LOUIS)

James A. Wilke, first being duly sworn upon his oath, states that he is the agent and attorney for Defendant, that he has read the foregoing Removal Petition and knows the contents thereof, and that the statements herein contained are true to the best of his knowledge, information and belief.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my official seal this 19 day of May, 2020.


NOTARY PUBLIC

My Commission Expires:

/s/ James A. Wilke

James A. Wilke #51242MO

Kent W. Zschoche #52060MO

WILKE & WILKE, P.C.

Attorneys for Defendant

Landstar Ranger, Inc.

2708 Olive Street

St. Louis, Missouri 63103

314-371-0800

Fax: 314-371-0900

wilke@wilkewilke.net

A copy of the foregoing faxed this 19 day of May, 2020 to:

Neil J. Bruntrager

Attorney at Law

225 S. Meramec Avenue, Suite 1200

Clayton, MO 63105

ATTORNEY FOR PLAINTIFFS

JAW:lb

/s/ James A. Wilke